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Attorneys for Defendant Timothy P. Villagomez

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS**

COMES NOW, Defendant Timothy P. Villagomez, by and through his attorney Joey P. San Nicolas, hereby requests this Court for an extension to file pre-trial motions in this matter to September 22, 2008 for the following reasons:

1. This motion is unopposed by the Plaintiff. *See Declaration of Joey P. San Nicolas.*

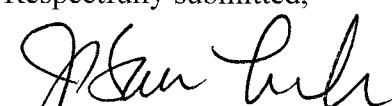
1 2. That the Pre-trial Motions deadline as to Defendant Timothy P. Villagomez is
2 September 08, 2008.

3 3. That on August 27, 2008 undersigned counsel inquired with AUSA O'Malley as
4 to whether Defense counsels would receive a written response to their August 14,
5 2008 written request for discovery materials. AUSA O'Malley advised
6 undersigned counsel that there were additional discovery materials that would be
7 given to counsels within a week and a half and that a written response will be
8 provided to counsel at that time.

9 4. That because additional discovery will be provided to counsels after the
10 September 8, 2008 motions deadline, undersigned counsel requests for an
11 extension to file pre-trial motions to September 22, 2008.

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15 Dated this 31st day of August, 2008.

16 Respectfully submitted,

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19 JOEY P. SAN NICOLAS
20 Attorney for Timothy P. Villagomez

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DECLARATION

I, JOEY P. SAN NICOLAS state the following:

1. I am over the age of 18, competent to testify to this declaration, have personal knowledge to this declaration and would testify competently if called to do so.
2. That on or about August 27, 2008, undersigned counsel spoke to Assistant United States Attorney Eric O'Malley and inquired whether his office would provide

1 additional discovery material and whether his office would provide written
2 response to counsel's initial request for discovery materials.

3 3. That AUSA O'Malley informed undersigned counsel that additional discovery
4 would be provided in a week and a half and that a written response will be
5 provided at that later date.

6 4. That the deadline to file pre-trial motions as to Defendant Timothy P. Villagomez
7 is September 08, 2008

8 5. That undersigned counsel asked AUSA O'Malley whether he would agree to
9 extend the deadline for filing pre-trial motions to September 22, 2008 and AUSA
10 O'Malley agreed to such extension.

11

12 I DECLARE under penalty of perjury that the above declaration is true and correct and
13 that this Declaration was executed on Tinian, Commonwealth of the Northern Mariana Islands
14 on August 31, 2008.

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17 JOEY P. SAN NICOLAS
18 Attorney for Timothy P. Villagomez
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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS**

IT IS ORDERED THAT Defendant Timothy P. Villagomez's motion to extend the

deadline to file pretrial motions is hereby granted. Pre-trial motions shall be filed by no later than 3:30 p.m. Monday, September 22, 2008.

DATED this ____ day of September, 2008.

ALEX R. MUNSON
Judge